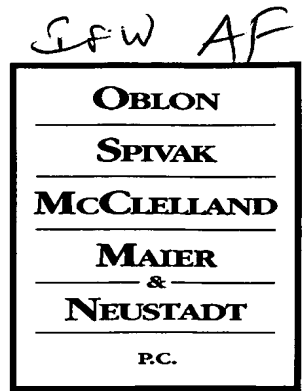




Docket No.: 5244-0130-2

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

JAMES J. KULBASKI
(703) 413-3000
JKULBASKI@OBLON.COM

KURT M. BERGER, PH.D.
REGISTERED PATENT AGENT
(703) 413-3000
KBERGER@OBLON.COM

RE: Application Serial No.: 09/575,710

Applicants: Tetsuro MOTOYAMA, et al.

RCE Filed: March 19, 2004

For: METHOD AND SYSTEM FOR DIAGNOSING,
COLLECTING INFORMATION AND SERVICING A
REMOTE SYSTEM

Group Art Unit: 2141

Examiner: NGUYEN, Q. N.

SIR:

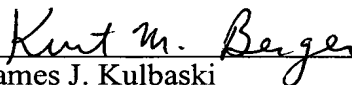
Attached hereto for filing are the following papers:

REPLY BRIEF

Our check in the amount of _____ is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


James J. Kulbaski

Registration No. 34,648

Kurt M. Berger, Ph.D.

Registration No. 51,461

Customer Number

22850

(703) 413-3000 (phone)

(703) 413-2220 (fax)

JJK:KMB:fb1

I:\ATTY\KMB\5244\5244-0130\52440130.AM CVR.DOC



DOCKET NO: 5244-0130-2

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

TETSURO MOTOYAMA, ET AL.

SERIAL NO: 09/575,710

FILED: MARCH 19, 2004

FOR: METHOD AND SYSTEM FOR
DIAGNOSING, COLLECTING
INFORMATION AND SERVICING A
REMOTE SYSTEM

:

: EXAMINER: NGUYEN, Q.

:

: GROUP ART UNIT: 2141

:

REPLY BRIEF

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Examiner's Answer dated November 25, 2005, Applicants wish to provide the following reply.

Regarding the rejection of Claim 1 under 35 U.S.C. § 103, the Examiner's Answer maintains that U.S. Patent No. 5,887,216 to Motoyama (hereinafter "the '216 patent") discloses "an analyzer configured to analyze the service history and the at least one of the device state and the device event of the remotely monitored device to determine a service request to be performed on the remotely monitored device," as recited in Claim 1.

Specifically, the Examiner maintains that Figure 8, step 410 and column 10, lines 4-7 and 14-18 of the '216 patent disclose the claimed analyzer.

The '216 patent is directed to a method and system for determining whether problems exist in a business office device (e.g., a printer or copier) by analyzing user settings of the business office device. As shown in Figure 8, the '216 patent discloses communication

between a monitoring device and a monitored device in which the monitoring device requests and receives image density information from the monitored device and, based on the received image density information, requests a change in the default image density setting in the monitored device. Applicants concede that the received image density information disclosed by the '216 patent could reasonably be interpreted as reading on the claimed "at least one of the device state and the device event" of the monitored device. However, Claim 1 requires an analyzer that is configured to analyze the service history, as well as the device state and/or device event of the remotely monitored device, to determine a service request. In this regard, the Examiner notes that the '216 patent discloses that

[i]n step 410, the monitoring device analyzes the received information (i.e., compares the received information with information looked up in the database) and determines that it is appropriate to change parameters of the monitored device.¹

Regarding the database, the '216 patent discloses that "[t]he database describes various information of the monitored device or machine such as service history, optional equipment, usage information, or other information." Thus, because the '216 patent states that (1) the monitoring device compares the received image density information with "information looked up in the database," and (2) the database includes various information, including service history, the Examiner concludes that the '216 patent must disclose an analyzer configured to analyze a device state (image density information) and the service history of the monitored device to determine a service request.

However, Applicants respectfully submit that it does not follow that the "information looked up in the database" must include service history just because the database includes service history, among other information. Clearly, the '216 patent does not actually disclose that the service history is obtained from the database and analyzed along with the image

¹ '216 patent, column 10, lines 13-18. Emphasis added.

density information obtained from the device. Moreover, the Examiner does not point to any other passage in the '216 patent that teaches or suggests that the service history is even relevant to the analysis of the image density information and the determination of a parameter request change.

Further, Applicants note that the '216 patent actually discloses three different databases (a service database, an attachment and options database, and a machine history database) that can be linked together. See Figures 9A-9C, respectively, and column 10, lines 21-55 of the '216 patent. Thus, the '216 patent discloses the storage of many different types of device data in several databases, only one of which stores service history data. Thus, to conclude that "information looked up in the database" is a disclosure that service history data must be obtained and analyzed is pure speculation.

Moreover, as shown in Figures 10-15, the '216 patent discloses a statistical method of determining whether the default image density setting of the copier needs to be reset, and does not use the service history of a machine to make the determination. Rather, the '216 patent states that "the density is analyzed using a conventional process such as is disclosed in any of U.S. Pat. Nos. 5,475,476, 5,175,585, 5,333,037, or 5,317,368 for example."² The '216 patent is silent regarding an analyzer that uses the service history of the device to determine a service request.

Thus, as set forth in more detail in Applicant's Appeal Brief, no matter how the teachings of the '216 patent and U.S. Patent No. 6,584,454 to Hummel, Jr. et al. are combined, the combination does not teach or suggest an analyzer configured to analyze a service history and at least one of the device state and device event of the remote of a remotely monitored device to determine a service request to be performed on the remotely monitored device, as recited in Claim 1. Accordingly, Applicants respectfully submit that a

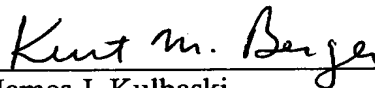
² '216 patent, column 15, lines 39-42.

prima facie case of obviousness has not been established and that the rejection of Claim 1 should be withdrawn.

For the foregoing reasons, Applicants respectfully submit that the outstanding rejections must be REVERSED.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kulbaski
Attorney of Record
Registration No. 34,648
Kurt M. Berger, Ph.D.
Registration No. 51,461

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)
JJ/KMB:smi

I:\atty\kmb\5244\5244-0130\52440130.REPLY.BRIEF.doc